

13 March 1972

MEMORANDUM FOR THE RECORD

SUBJECT: Director's Testimony Before the Nedzi Subcommittee

Based on the general line of questioning of DOD and Justice witnesses by the Nedzi Subcommittee, the following questions may be asked of the Director:

New Executive Order on Classification

1. Were there any provisions that the Agency desired in the new Executive Order which the White House rejected?
2. Are you satisfied that the new Executive Order will provide intelligence sources and methods adequate protection?
3. What problems will the Agency have in implementing the automatic declassification provision of the new Executive Order?
4. Are there any other provisions of the Executive Order that the Agency will have problems in implementing?

Need for Additional Legislation

1. Do you consider existing criminal laws adequate to protect intelligence sources and methods from unauthorized disclosure?
2. Do you feel that any additional legislation is necessary?
3. Do you have any problems in carrying out your responsibilities under the National Security Act of 1947 to protect intelligence sources and methods from unauthorized disclosure?
4. What is your position as to the proposed Commission to be established under H. R. 9853? Wouldn't a Commission comprised of representatives from the Executive, Legislative and Judicial branches be the best way to resolve the difficult problems faced?

5. Do you feel that the Congress can be of any assistance and what would you propose?

Agency Classification Program

The Chairman has asked for facts and figures on classification programs, such as:

a. How many persons can classify TS? Secret?
Confidential?

b. What are the procedures if material is
declassified?

c. What are the procedures for destroying and
retiring classified material? (This may lead to
questions on compliance with GSA regulations on
destruction of material and the relationship of the
Agency with the Archives.)

Agency Personnel Security Program

There may be a line of questioning to determine the adequacy of the Agency personnel security program. Chairman Nedzi requested that Mr. Buzhardt provide to the Subcommittee the DOD appeals procedures if a security decision is adverse. (Mr. Buzhardt acknowledged the right of an employee to appeal to the courts.) The Chairman may very well ask if the Director considers his removal authority under Section 102(c) of the National Security Act effective and adequate. The apparent impunity with which former Agency employees, such as Vic Marchetti, can talk about Agency activities may well be inquired into.

STATINTL



Distribution:

Orig - Subcommittee

1 - OGC

1 - D/Security

~~1~~ - OLC Chrono

OLC:PLC/jal:14Mar1972